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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13  
14 **C. JAY SMITH, et al.,**

15 Plaintiff,

16 v.

17 **R. DIAZ, et al.,**

18 Defendants.  
19

4:20-cv-04335-HSG

**STIPULATION AND ORDER TO  
VACATE TRIAL AND RELATED  
DATES**

Judge: Hon. Haywood S. Gilliam, Jr.  
Trial Date: December 1, 2025  
Action Filed: June 29, 2020

20 **NOTICE OF SETTLEMENT**

21  
22 **PLEASE TAKE NOTICE** that Plaintiff C. Jay Smith and Defendants M. Bloise, J.  
23 Macomber, R. Feston, M. Taylor, C. Andes, Y. Franco, and T. Duke have reached a settlement in  
24 this case and are in the process of executing all necessary documents to finalize the settlement  
25 and dismiss the case.

26 **STIPULATION TO VACATE TRIAL AND RELATED DATES**

27 The parties respectfully submit this Stipulation and Order to Vacate Trial and Related  
28 Dates. This Stipulation is based on the following:

1 WHEREAS, on September 22, 2025, the parties participated in a Settlement Conference  
2 before Magistrate Judge Robert M. Illman.

3 WHEREAS, the parties reached a settlement of all claims and issues and placed the primary  
4 terms of the settlement on the record before Judge Illman.

5 WHEREAS, the parties are in the process of executing all necessary documents to finalize  
6 the settlement and dismiss the case.

7 WHEREAS, the parties agreed that the trial date and all other related dates should be  
8 vacated.

9 WHEREAS, the Court requested the parties file the instant Notice of Settlement and  
10 Stipulation to Vacate Trial and Related Dates.

11 THEREFORE, IT IS HEREBY STIPULATED, by and between the parties, through their  
12 respective counsel of record, that the December 1, 2025, trial date and all other pretrial dates be  
13 vacated and an Order to Show Cause re Dismissal be set for forty-five days from the date of the  
14 settlement.

15 IT IS SO STIPULATED.

16 Dated: September 25, 2025

Orthwein Law, PC

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18 By: /s/ Jennifer Orthwein

Jennifer Orthwein  
Attorneys for Plaintiff C. Jay Smith

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22 Dated: September 25, 2025

CALIFORNIA ATTORNEY GENERAL'S OFFICE

23  
24 By: /s/ Eric Miersma

Eric Miersma, Deputy Attorney General  
Attorneys for Defendants

**ATTESTATION**

I hereby attest that all other signatories listed, whose signatures are indicated by a conformed signature (“/s/”), and on whose behalf this filing is submitted, concur in the filing’s content and have authorized the filing.

Dated: September 25, 2025

CALIFORNIA ATTORNEY GENERAL’S OFFICE

By: /s/ Eric Miersma

Eric Miersma, Deputy Attorney General  
Attorneys for Defendants

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**ORDER**

Having read and considered the Stipulation, Good Cause appearing, the Court grants the parties' request and vacates the December 1, 2025, trial date and all other pretrial dates, and will set an Order to Show Cause re dismissal for forty-five days after the date of settlement.

It is so ordered.

DATED: 9/25/2025

  
The Honorable Haywood S. Gilliam, Jr.